

The Politics of Character and the Character of Journalism

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INTRODUCTION

In 1890, years before he was to become a member of the Supreme Court, a Harvard professor named Louis Brandeis wrote an essay for the Harvard Law Review called "The Right to Privacy," with Samuel D. Warren. Brandeis was among the first to understand that technology, even then, was changing the nature of journalism and in the process intruding into a citizen's "right to privacy."

"Instantaneous photographs and newspaper enterprise," he wrote, "have invaded the sacred precincts of private and domestic life; and numerous mechanical devices threaten to make good the prediction that 'what is whispered in the closet shall be proclaimed from the house-tops.' "

Louis Brandeis worried particularly about gossip; as he saw it, the predisposition of the press in New York and Boston to run stories based on "what is whispered in the closet" rather than on fact, substance, and seriousness of purpose. "Gossip is no longer the resource of the idle and of the vicious, but has become a trade, which is pursued with industry as well as effrontery." He continued: "When personal gossip attains the dignity of print and crowds the space available for matters of real interest to the community, what wonder that the ignorant and thoughtless mistake its relative importance. Easy of comprehension, appealing to that weak side of human nature which is never wholly cast down by the misfortunes and frailties of our neighbours, . . . triviality destroys at once robustness of thought and delicacy of feeling. No enthusiasms can flourish, no generous impulse can survive under its blighting influence."

Brandeis composed these insights almost 100 years ago. Imagine the level of his concern if, in addition to "instantaneous photographs," he had also to take into account the impact of the minicam and the minivan, up- and down-link satellites and backyard dishes, fax machines and computers, the telephone and the portable radio. In such a highly charged, sophisticated and technological environment, how would Brandeis

define privacy? Would public figures have the same right to privacy as simple folks?

These questions have persisted over many decades, gossip being amplified by technological advance. Politicians were naturally concerned. In 1906, President Theodore Roosevelt said: "Gross and reckless assaults on character, whether on the stump, or in newspaper, magazine or book, create a morbid and vicious public sentiment," a thought that was echoed in paraphrase by many politicians during the long and dreary presidential campaign of 1988.

What is the responsibility of the press, including radio and television, when it comes these days to the private lives of public officials? Do these officials have a "right to privacy"? An absolute right? Or, by pursuing public office, do they forfeit that right? It seems clear now that a person running for office must be prepared to give up a degree, perhaps even a large degree, of privacy. But how much? And for how long?

"Character" has become a catchword for modern-day political gossip. People feel they have a right to know about a candidate's private life, family, and bank account. In the greyness between what is public and private, there has suddenly re-emerged a red free-fire zone of press-politics combat. It is a matter of professionalism and ethics.

Few scholars have studied the problem with more energy and seriousness than Judith Lichtenberg, the first visiting professor I invited to teach at the Joan Shorenstein Barone Center on the Press, Politics and Public Policy. Her course was called "Ethics and the Press." During her time here, Professor Lichtenberg of the University of Maryland outlined and later wrote this Discussion Paper. "The Politics of Character and the Character of Journalism" challenges a number of our cherished assumptions while illuminating an important and persistent theme in press-politics with clarity and a tough-minded independence and intelligence.

As always, we welcome your comments.

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THE POLITICS OF CHARACTER AND THE CHARACTER OF JOURNALISM

Was George Bush a wimp? Did Bob Dole have a dark side? Was Gary Hart a man of integrity? Whatever its other distinguishing marks, the presidential campaign of 1988 stands out as a contest in which these kinds of questions were in the forefront of press coverage and public discussion, seeming sometimes even to eclipse debate about the candidates' stands on substantive political issues. In 1988, the politics of character was ascendant. With John Tower, Barney Frank, and others, character questions remain in the forefront of the news.

Many people have the vague sense that the rise of the politics of character is intimately connected with the critical and increasingly important role of the press in the American political system and especially in the campaign and election processes. But the precise nature of the relationship remains unclear.

What role does the press play in the politics of character? What role ought it to play? Is the focus on character good for the quality of our political life? These are the questions I shall attempt to answer here. But before they can be tackled, we need to understand why the politics of character has come to assume such prominence, and what it is that we really want to know when we want to know about a politician's character.

I

Why has the "character question" suddenly assumed such a central role in presidential politics? Several explanations can be offered.

First, Americans have been burned on the issue at least twice in the last two decades by presidents whose flaws were less a matter of politics than of personal qualities. Their failings differed greatly. Richard Nixon exemplified to a

high degree what we most often think of as character defects: dishonesty, lack of integrity, the propensity to lie. Jimmy Carter's defects were very different; they had to do with leadership and judgment and perhaps will. In any case, the American experience with these leaders and the crises of national morale that they engendered demonstrated that a politician's platform can be less important than, or at least be overwhelmed by, his personal qualities.

Significant character defects existed in many earlier presidents. The question is why these recent instances emerged as so important.

Yet significant character defects existed in many earlier presidents. The question is why these recent instances emerged as so important. The cases of Nixon and Carter, then, do not explain so much as they show the need for further explanation.

A better explanation for the rise of the politics of character derives from the perplexing world of the contemporary American voter—a world that combines information overload with uncertainty about the limits of our knowledge and skepticism about our ability to solve problems. We confront social, economic, and political issues of extraordinary complexity. We encounter more sources of information than any normal person can possibly digest: newspapers, local and national; magazines and journals of every conceivable political stripe; broadcast and cable television stations galore; radio, video, film. Few people have the time, inclination, or ability to inform themselves adequately on all but a small handful of the pressing political issues of the day. And yet we are called upon to choose among political candidates who claim to differ widely in their vision of American society and their program for shaping American policy. How is a normal—i.e., hopelessly under-informed—person to choose? To choose intelli-

This paper has benefited greatly from comments by and discussion with a large number of people over the last year. Among those who have been especially helpful are Robert Fullinwider, Hendrik Hertzberg, Marvin Kalb, Martin Linsky, Glenn Loury, David Luban, Gary Orren, and Dennis Thompson.

gently? One reasonable way, it seems, is to assess the character of the candidates: to try and figure out which among them is most likely to possess that complex set of qualities which enable a president to make tough decisions about particular issues—many largely unforeseen—that we are unable to make. Character is a shortcut, or a barometer, for the ordinary voter. And it is something the ordinary person can understand.

Another essential ingredient in the rise of the politics of character has been the decline of party organization in the American political system and its replacement by primaries as the means of choosing presidential candidates. When party leaders in their proverbial smoked-filled rooms chose candidates, they judged the character of the potential nominees and made their decisions accordingly. The ordinary voter didn't need to know the intimate details of politicians' lives, and so the press didn't need to report these matters, because the selection process was in the hands of insiders who already knew (or thought they knew) all they needed to about a politician's suitability for high office. (Whether character was genuinely their concern, or whether they would settle for keeping the candidate's moral lapses from the voters, is beside the point.) Only then did the voters choose—not among a dozen unknown quantities but just between two fairly well-known and distinguishable candidates.

Finally, our concern with character results partly from television's impact on politics. Television changes the political atmosphere in at least two ways. First, it personalizes politics: public officeholders and office-seekers who in the past would have been quite remote to the ordinary person are now living, breathing human beings. That by itself arouses our curiosity about them. Think of the difference in your level of interest in a conversation about someone you've never met, compared to your interest after having met the person, even if only once. Who is this person? What is she really like? Television makes us want to know.

Television and increasingly sophisticated communications technology intensify the focus on character for another reason as well. The camera takes us places we have not been before; it shows us things we would not have seen before. Reporters used to be able to (and did) avert their journalistic eyes from drunken politicians in Congress and the statehouses. But when legislative proceedings are televised, the

camera will not avert its lens. So questions about the personal qualities of politicians arise today that did not arise in the past. Delaware Senator Joe Biden's embarrassing boast in a remote New Hampshire location that his IQ was higher than his interlocutor's would in the past have died a quiet death. But a C-SPAN camera innocently recorded it, and soon all the world knew what Biden had said.

II

What do we care about when we care about a politician's character? In ordinary conversation, to talk about character is to talk about a person's moral qualities and moral strength. But in the current political debates "character" has become a kind of code word, a term of art.

Even if a politician's character matters, it's not the only thing that matters.

Its meaning is much broader than that given in ordinary usage.

Our interest in the character of politicians can be distilled into four primary concerns.

1. **Moral goodness.** We expect politicians to possess a certain quotient of moral decency or moral goodness—however we understand goodness. Goodness consists of two things: having certain sorts of *dispositions*—habits of behavior—and having certain sorts of moral *beliefs*. Honesty and generosity are dispositions; the view that blacks and whites are fundamentally equal is a belief.

2. **Strength of will.** Goodness in the sense described is only a part of what goes into understanding a person's character. A person can be basically good but weak; someone who would never hurt a fly, but might not stand up for flies if others hurt them. Yet part of what we want to know about candidates' characters is how strong they are; not simply whether their hearts are in the right place, but how willing they are to put their beliefs into practice.

The line between goodness and strength is hard to draw. For one thing, dispositions are propensities to behave in certain ways, so someone whose behavior does not meet a certain standard will not qualify as good. And

one who professes the right moral beliefs but never puts them into practice is likely to be viewed as at best a hypocrite and at worst a liar. So a certain threshold of activity in accordance with avowed belief is necessary if the ascription of goodness is to be accurate. Still, the category of "basically good, but weak" will strike most people as having its share of members.

3. *Judgment.* Part of what we want to know when we ask about a politician's character concerns good judgment. Here the current political usage of "character" begins to expand on ordinary usage; for it may be argued that the intellectual qualities denoted by the term "judgment" are not, strictly speaking, a part of character.

Often judgment is understood as a kind of stand-in for general competence. Possessing good judgment means having a nose for what is important, and how important; being able to size up people and situations; having the ability to make distinctions between cases when that is necessary and knowing when it is necessary. It means being able to calculate consequences and think several moves ahead. Almost above all, it means knowing whom to trust—morally, intellectually, pragmatically. Just as the contemporary citizen's judgment is exercised at least as much in judging a politician's overall character and competence as in deciding substantive questions, so too the high public officeholder must ration his time and resources by knowing how to discriminate among myriad experts and advisers. Without good judgment, the moral quality of a politician's life is wholly inadequate to the tasks of political office.

4. *Leadership.* Along with decency, strength, and judgment, our concern with the character of politicians involves that elusive quality called leadership. (Here again our current interest in character goes beyond ordinary usage.) One might be a person of consummate moral character and good judgment yet not be a leader. But obviously one could not be a good political leader and not be a leader. However elusive and difficult to define, the quality of leadership is one important trait (or set of traits) driving our interest in the character of politicians.

It's no wonder, then, that the politics of character has come into its own. But this does not tell us whether that is a good thing. Does the politics of character bode well for American politics?

Some serious drawbacks immediately come to mind.

First, the politics of character tends to drive out the politics of substance. Even if a politician's character matters, it's not the only thing that matters. Yet the tendency for character questions to supplant others is very great. Sex in particular tends to distort public discussion by capturing people's undivided attention.

This problem is intertwined with another: the focus on character all too easily develops in the press into the second-order, once-removed game of image management. It's not so much what you are but how you appear that matters. The focus was less on whether George Bush was a wimp than on whether his wimp image would hurt him in the upcoming race. (As Mark Alan Stamaty's cartoon *Washington* had it: "A highly placed power broker insider has told this column exclusively that it is common knowledge that presidential candidate Bob Forehead is vulnerable to a growing perception among the 3 percent of voters who have ever heard of him that he is a 'plastic' candidate.") It's not that Gary Hart's behavior with Donna Rice was so bad, some people say, but that it showed poor judgment. Judgment, in these circumstances, is often understood simply as the inability to see that one's behavior does not look good even if it's not so bad. Bad judgment is the inability to predict that one will be accused of bad judgment.

Concern with these kinds of questions gives the press a special power: now the line between reporting the news and making it becomes increasingly hard to draw. Politics has always been partly a matter not only of perceptions but also of perceptions of perceptions. Since reports of perceptions are themselves perceptions, political reporting cannot, in the nature of things, be entirely divorced from newsmaking. But the focus on elusive character questions makes the press particularly vulnerable to the charge that it is creating reality as much as it is describing it.

It is always hard to distinguish character questions from others with which they are likely to be confused, and just plain hard to

judge a person's character. These are not separate problems. Not every quirk of personality is a trait of character; more obviously, not every surface trait signals a deep one. Television makes it extremely difficult to discern the differences, makes it difficult not to be distracted by irrelevant characteristics. Television's genius, which is at the same time one of its great dangers, is the ability to bring what might otherwise be one-dimensional news personalities to life. In doing so it sometimes gives us the illusion of deep insight into a person's character. But the illusion is an illusion.

Television does not create the problem, it simply exacerbates it. That virtue and the appearance of virtue are two different things is hardly a novel insight. But the scale of public life makes the contrast especially stark. The politician resembles an actor in the theater who must exaggerate gestures in order to succeed in communicating ordinary effects. As Machiavelli notes:

... if in fact you do earn a reputation for generosity you will come to grief. This is because if your generosity is good and sincere it may pass unnoticed and it will not save you from being reproached for its opposite. If you want to acquire a reputation for generosity, therefore, you have to be ostentatiously lavish; and a prince acting in that fashion will soon squander all his resources, only to be forced in the end, if he wants to maintain his reputation, to lay excessive burdens on the people, to impose extortionate taxes, and to do everything else he can to raise money.²

Is Michael Dukakis a man of passion? Conventional wisdom said no. How does one tell? By the fact that he didn't wave his arms or shout when he spoke? Is *that* a sign of genuine depth of feeling? What else *could* signify passion in a fifteen-second sound bite?

Finally, we face the possibility that the politics of character may drive away some who are most fit for political office, that some will simply refuse to subject themselves and their families to the harsh scrutiny to which politicians' lives are now subject. It is inherently unpleasant and uncomfortable to be continually exposed and without privacy. And a would-be officeholder might believe that aspects or

episodes of his life do not reflect well on him—or simply would not look good under the public spotlight—although they are not relevant to his fitness for office.

But this point begs one of the central questions at issue: is there anything that's *not* relevant?

IV

Take sex. Sexual behavior provides an interesting and extremely complex case. Those who believe that a politician's sexual behavior is fair game for press and public scrutiny think that sexual behavior indicates something crucial about a person's character—something central and indicative of a person's fitness for political office.

But is this right? Here we begin to glimpse a crack in the politics of character. Yes, sexual behavior often indicates something central about a person's character. But no, it rarely tells us anything about a person's fitness for political office.

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How we conduct ourselves sexually often reveals something about our moral standing as human beings. People who use other people sexually, who lead on potential sex partners or deceive those with whom they purport to have an exclusive relationship do wrong. The public, including the press, doesn't ordinarily know, of course, whether a given instance of extramarital sex fits these descriptions. So unless we believe in monogamy-no-matter-what-the-circumstances (which, of course, many Americans seem to do) we should withhold judgment. Even when a person does behave badly in matters sexual we do not ordinarily take that to be a fatal, disqualifying moral flaw. That is at least partly because sexual behavior is often discontinuous with the rest of personality; sexually, people often behave "out of character." This in turn has something to do with the special status of sex, the unique place it occupies in our society and our psyches. Our sexual

self is often shadowy and hidden, even from ourselves. So we cannot draw easy conclusions about character from sexual behavior alone.

Even if we could, however—even if we could justly infer a grave lapse of moral character from sexual misconduct alone—that would not warrant the conclusion that the transgressor was unfit for public office. This assertion finds support in both reason and experience.

Experience supports it with irresistible force in the form of what may be called the argument from history. It is an undeniable fact that a catalogue of the world's most important and capable leaders—throughout history as well as in America's recent past—includes a startling proportion of adulterers and philanderers. However natural it might seem in the present or future to think a leader's sexual behavior matters, when we look to the past, its irrelevance can hardly escape us. What would the historical and political consequences have been if Martin Luther King's alleged infidelities had come to public light and his career had been destroyed?³ Can it really be maintained that this would have been a perfectly acceptable outcome? It may be said that King was not a public official. But he was in a sense held to an even higher standard; he was not only a clergyman but politically a near-saint. A look at the past compels the conclusion that, despite our best hopes and most noble ideals, a great statesman need not be a good spouse, parent, or friend.

History's lessons should be no mystery. Machiavelli was perhaps the first to assert without embarrassment that private virtue does not always make for public good, and that public virtues do not always satisfy our ideals of moral decency. Not only is there no necessary connection between private and public virtue, but there may be a positive conflict between them: traits that have survival value for the public role or that contribute to professional success may constitute moral flaws in private life, and some standard moral virtues may inhibit professional accomplishment.⁴ We may call those traits of a role (like politician) that are professionally necessary or advantageous but morally questionable the occupational moral hazards of the role.

This need not be a matter of selfishness or personal expediency. Machiavelli is commonly misunderstood to say simply that if a politician is to get ahead he must do unsavory things. That may be true, but the more interesting point is that for the politician to achieve the

public's good he may have to do unsavory things.

This view jars our sense of what the world ought to be like. We want to believe that virtue is virtue wherever it's found, that the traits we value in our friends, like kindness and sympathy, are appropriate in the public sphere as well. But a brief look at the real world undermines that idealistic view. The gulf between public and private behavior is clear not only with respect to politics, but also in art, scholarship, and every other professional and public endeavor. Mozart was infantile, Picasso mistreated women (and men), Heidegger was an

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anti-Semite and a self-deceptive egomaniac.⁵ But these facts (or alleged facts) are irrelevant to our judgment of the worth of a person's work.

If this view is right, it shows not that the American public's concern with the character of politicians is utterly misguided, but that it is insufficiently refined. Some of a politician's moral qualities matter and some do not. It is inappropriate and unreasonable to expect all our ordinary ideas of moral virtue to be exemplified together with the qualities of strength, judgment, and leadership we demand of political leaders. We want our leaders to be tough, to be able to "do what needs to be done," but we also want them to be honest, sensitive, and caring. These are traits that, while not abstractly incompatible, may not easily coexist. Those who are tough cannot always afford to be morally pure; those who are pure may lack the requisite toughness. The conflict emerged clearly in President Reagan's concern for the American hostages in the Middle East, and its disastrous consequences in the arms-for-hostages deal. Private goodness does not always make for public good.

But this example only hints at the discrepancy between public and private virtues. For in this case, we face a conflict between niceness and toughness, and that brings no surprises.

More jarring is the realization that "public niceness," in the form of political sympathy for the disadvantaged, for instance, and personal niceness have no necessary connection. One can be politically committed to the disadvantaged while personally being an insensitive brute (as, for example, Lyndon Johnson may have been). And one can be a personally generous individual who believes politically that it is every man for himself. Gary Hart's sex life was thought by many to indicate a lack of respect for women; yet *Ms.* magazine gave him a 94% rating on civil rights and women's issues.⁶ Personal traits should be irrelevant to our judgment of the person qua politician.

This view, which produces in us a certain amount of cognitive dissonance, finds support in social scientific research. Psychological experiments have demonstrated that context plays a crucial role in determining moral behavior, and that even between apparently similar traits like lying and cheating, little correlation exists.

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That you will lie to your spouse does not mean that you will lie to your constituents, and vice versa. To a large extent, the idea of the consistent personality is a fiction.⁷

One might object to the divorce of public and private virtue as follows: the idea that private morality is irrelevant to the performance of public duty may be correct on one level of understanding of public duty. But that is a narrow understanding. If part of the public duty of a political leader is to serve as a role model, then such traits as ordinary decency and sexual fidelity are relevant. For to serve as a role model is to exemplify, in virtue of an enhanced social status, those traits that we value, admire, and publicly proclaim.

It is easy to turn the dispute here into a merely semantic one: it all depends on the definition of public duty. If serving as a role model is part of its meaning, then the objection

holds; if not, it does not. Like all semantic solutions, this one fails to satisfy.

Can we advance beyond the verbal? It is worth noting that there is nothing necessary in the idea that a political leader, even a highly placed one, must be a role model as well. Indeed, one of the striking and often-noted features of the American preoccupation with the character of its leaders is how it contrasts with most other societies, even those, like the Western European countries, that otherwise resemble us in many ways. During the 1988 presidential campaign, many people claimed in defense of the American approach that our concerns were rather specialized, that we did not expect all public officials to satisfy such exacting moral ideals, only a few: presidents, vice presidents, Supreme Court justices.⁸ But a mere year later this qualification is out of date: already the net has widened, so that today plain Congressmen, it seems, are also expected to be paragons of virtue or else have a lot of explaining to do.

Does it make sense to insist on these standards? If what we know from history and psychology are any indication, it is a mistake to confuse what are very disparate realms. It would be nice—it would be in keeping with our moral ideals and with a certain human desire for orderliness in the universe—if the talented were also just and the good were beautiful. But it doesn't always work that way.⁹

Perhaps it will be said that those who occupy high office should at least maintain the *appearance* of moral rectitude, whatever their authentic selves may be like. But that brings us to ask about those whose business it is to convey these appearances to the public, those who for all practical purposes bring politicians and public figures to life. I mean the journalists.

V

Journalism has its own occupational moral hazards, of course. Just as a politician might have to be more ruthless than the ordinary person, the good journalist might have to be more than usually curious, aggressive, perhaps even insensitive to the consequences of his revelations. Despite the argument that the personal lives and qualities of politicians should not be emphasized, it may be unrealistic to expect great restraint from the press. You breed

watchdogs differently from lapdogs. Those too sensitive to the rights, interests, and feelings of individuals may err on the side of telling too little; and telling too little may be worse, from the point of view of the public interest, than telling too much.

The question is whether journalists can find ways of guarding against these occupational moral hazards. One way is an enhanced appreciation of the nature and extent of their role in the political process: for journalists to see the degree to which they have become participants in the process and not simply observers. That is especially true for the politics of character.

Why? First, elusive questions of character inevitably get intertwined with the game of image management, in which the press exerts so much influence. In politics, you're a wimp if people think you're a wimp; and even asking whether people think you're a wimp (which is often all reporters do) can make you wimp enough. Thus George Bush's anger at Newsweek's cover story on the subject: it's the question, not the answer, that matters.

Furthermore, we have seen over the last

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couple of years how explosive character questions are—how in a matter of days or weeks careers can be destroyed and political history altered following revelations of a public figure's questionable activities. Our concern is not in the first instance with the public figure's welfare (although this is not wholly insignificant either). We may well argue that politicians assume the risk of invasions of privacy in entering public life. The primary concern is rather that the quality of our political life will suffer. Journalists must think carefully about whether to investigate and how to report questions bearing on a person's moral integrity or character. They must decide for themselves whether the information is politically relevant.

It will not do to say that the reporter's job is simply to print the news and leave it up to the public to decide what is relevant and what is not. The press cannot cover everything; journal-

ists must choose, select, position, edit, omit, emphasize. They must decide not only what goes in or on, but where, how prominently, how often. The idea that "the news" is something out there waiting to be plucked like grapes on the vine neglects the crucial processes of decision and selection that lie behind the morning paper and the nightly newscast. And it disregards the fact that the relationship between the public's opinions, demands, and expectations of politicians and what the press covers is not a one-way street. Does the press cover the private lives of politicians because that is an issue people now care about, or is it an issue people care about because the press covers it? Certainly it is as much the latter as the former.

The process is subtle. It is false to say that the press creates an interest in the private lives of candidates where there was none before; but it is also false that the press is merely catering to a pre-existing demand. Reporting arouses a natural but dormant curiosity: Do I care about the state of Princess Di and Prince Charles's marriage? Not in the least. But when the National Enquirer headline beckons at the supermarket checkout counter, I am tempted to peek inside. It is disingenuous for the press to claim it simply gives people information they want, when their desire for it is partly a function of press coverage.

Let us assume, though, that people are interested in the private lives of candidates independently of press coverage. (Leave aside how difficult this is to establish, given the chicken-and-egg nature of the press/public opinion game.) Suppose they want to know whether a candidate drinks or is a faithful spouse or a homosexual. Does that alone justify press coverage of such issues? No. There are some things, after all, in which people have no business sticking their noses. The mere fact that we want to know something does not make getting knowledge of it legitimate.

No self-respecting journalist would disagree; self-respecting journalists do not view themselves as simply pandering to public taste. Reflective journalists know that they make crucial decisions every day about what the public will and will not see or hear, and that these decisions flow from a variety of judgments: judgments about newsworthiness, taste, privacy, possible harms resulting from publication, legal matters, the urgency of other news, etc. The journalist, in short, cannot escape responsibility for what is reported.

Responsibility is compounded because of the peculiarly transforming properties of making public even something that might have been widely known before. This point is well-illustrated by the Miami Herald/Gary Hart case. Many journalists deplored the Herald's methods. Some thought the stake-out an impermissible means of gathering information even if they believed the information itself was relevant and within the bounds. Some thought that, in rushing into print allegations that were sure to have momentous consequences for Hart's campaign without sufficiently confirming them,

... Stating publicly what people already know is not always redundant.

the Herald showed a degree of recklessness matched only by Hart's own. Hart's long-standing infidelity was widely known among political reporters, and many chose not to cover it, for whatever reasons. Yet few journalists, no matter how critical of the Herald, disputed the appropriateness of widespread press coverage of the Hart/Rice episode once the Herald had broken the story.¹⁰ The facts could be ignored, but once revealed, they would inevitably explode.

There are several reasons for this. One is simple competition: sex sells newspapers; if yours doesn't write about it, people will buy one that does. In this respect the news organization's position exemplifies many competitive situations. Everyone would be better off if no one had weapons, but if one person or nation defects from the scheme of cooperation and arms himself, we will all have to do the same. Codes of ethics can go at least some way toward lessening the temptation to defect.

But the journalist's dilemma is complicated by conditions specific to communications and the news business. For one thing, once publicly revealed, facts of a certain sort are difficult to contain. It is not easy to say just what facts possess this property, although it is clear that those catering to our more prurient interests do.

The point is illustrated by another episode in the Hart case. After the press conference at which Hart was asked whether he had ever committed adultery, New York Times Washing-

ton bureau chief Craig Whitney defended the press by arguing: "There's no question that should be regarded as out of bounds. Let's ask about it, whatever it is, and then determine whether it's news." This defense shows astounding naivete about the press's role. Which of the following answers to the question "Have you ever committed adultery?" would the press not consider news: (a) Yes; (b) No; (c) It's none of your business? In such matters, you don't "determine whether it's news" after you get the answer; you determine that it will be news *in the very act of asking the question.*

That fact has partly to do with people's natural curiosity about others' personal lives. Even those of us who believe that the personal is largely irrelevant to politics find it hard always to practice what we preach: when we read Gail Sheehy's perceptive profiles of the candidates we find ourselves dwelling on whom we like or who seems to be a "good person" instead of on who would be an effective president.¹¹ But to acknowledge our own complicity does not mitigate the responsibility of journalists. One cannot pretend that questions are always innocent and only answers can be guilty.

Another element specific to the realm of communications concerns the difference between everybody's knowing something and everyone's knowing that everyone else knows it.¹² Suppose you work in a bank. Suppose that everyone who works in a bank knows that X, another employee, is embezzling funds, but that nobody knows that anyone else knows. Now suppose that everyone learns that everyone else knows. The situation has changed drastically. Now each person knows that everyone else knows that you know; and you may begin to be self-conscious as you feel the eyes of others upon you, as you feel that others have expectations about what you will or ought to do. (What if the embezzler is among those who learn that everyone knows? That changes things again.) Public revelations about someone else can be revelations about ourselves as well, and can disturb the equilibrium by pressuring the knowers-who-are-now-known-to-know to take some kind of action that they might not have otherwise taken.

By itself this point does not rule for or against public revelations. Sometimes they may be justified, sometimes not. The point is simply that they can make a very big difference. Stating publicly what people already know is not always redundant.

VI

The rules for what can be reported have changed; this much everyone admits. Sexual infidelity and drunkenness did not spring into existence in the last fifteen years. But until recently these were simply not matters to be discussed in the press.

Why did the rules change? In part, the rules changed because people changed the rules. When one person or institution violates the conventions governing what is said and done and what is not, others are strongly pushed to violate them as well. And so the exception becomes the new rule.

But broader social forces also underlie the change in what the press can say about public figures. Journalists themselves explain almost every change in the practice of their craft at least partly in terms of (what is coming to deserve a single word) Vietnam/watergate: the general distrust of and disillusion with politicians that began in the Johnson/Nixon years when, according to the folklore, news reporting had its finest hour. The rise of feminism might explain greater intolerance of marital infidelity. A related but perhaps more important reason is the so-called sexual revolution itself. "So-called" because public reaction to the Hart/Rice liaison suggests that the revolution is perhaps only half made. The change may be more in what can be discussed than in what can be done. We can accept a president who fools around, as long as we don't know he fools around, or as long as he doesn't flaunt it.

But this, it may be said, is all the difference in the world, and in no way implicates the press. Ordinary people didn't know that Franklin D. Roosevelt was having an affair with his secretary, so of course they couldn't object. Journalists would not have revealed the fact if they had known (which perhaps some of them did), because one just didn't write about such matters. But if they *had* revealed it, it might be argued, there would have been a public outcry, and Roosevelt's career would have suffered greatly.

There is a flaw in this argument. It seems plausible to suggest that the American public is like the parent who doesn't really want to know about his children's sexual activity, who would have to protest if forced to confront it and who would rather avert his eyes. If the press insists on parading the evidence before us, the puritanical American sensibility will be forced to

protest. But this same sensibility is content to let public figures lead their less than morally perfect lives as long as their private moral imperfections do not become public moral imperfections. By this I mean both that their moral imperfections (in particular, sexual ones) do not become publicized, and that they do not contaminate the performance of their public duty.

Many will find this response extremely unsatisfactory. It seems to endorse hypocrisy on the part of the American people, and paternalism on the part of the American press. But it doesn't *endorse* hypocrisy; it merely recognizes it for what it is, and chooses it as the lesser of two evils—the other evil being the inappropriate and unrealistic demand that people who are good at politics necessarily be exemplary human beings as well.

Is it paternalistic? Having rejected the naive view that the press tells all and lets the people decide what is important, one could view every press decision about what people need to know or ought to know or have a right to know as paternalistic. Who are *you* to decide, after all? That is the question at the back of our minds. The answer is that the *you*—journalists—decides because you have no choice *but* to decide.

VII

One criticism that has been leveled against the press in its coverage of the character issue suggests a certain hypocrisy among journalists themselves. If sexual behavior or drug or alcohol use is so central to character, the argument goes, and if character is central to the proper performance of public duty, then why shouldn't journalists tell us whether they have ever committed adultery or smoked marijuana? One answer journalists might give is that they are not passing judgment on the politician's behavior, simply reporting it. We have seen how inadequate this answer is. Another likely response is that a reporter is not a role model in the way that a president or a Supreme Court justice is. But there is a certain irony in the press's position here. If we are to view journalists as they would have us view them—as guardians of the public interest and the public trust—then what they do is of the greatest importance. Even if they do not serve as per-

sonal role models, the question still arises how we can trust them to tell us the most critical and intimate details about our public figures without knowing more about who they themselves are. Can I trust the journalist to be honest in her reporting without knowing more about her personal life? Can I trust her to be competent and of sound judgment without knowing whether she uses drugs or alcohol?

The answer is yes. We evaluate a journalist's work on its merits; its merits or their absence emerge in the public forum, on the basis of publicly available criteria. If a reporter lies in print, we expose the lie by more journalism on the subject of the lie, not by revealing that the reporter lied to his wife just last week. A history of lying would be likely to emerge in the aftermath of exposure (as it did in the Janet

Cooke affair), and might even be grounds for suspicion that the journalist was lying in print. But to accuse and convict the reporter of lying we must present direct evidence that what he wrote was untrue.

This is the way things have always been done, with good results. The alternative—close investigations of the private lives of journalists—seems intolerably invasive, leading us too far down the slippery slope, as well as largely irrelevant. But journalists should recognize that basically the same lessons apply to politicians. There are, of course, some differences between the typical reporter and the "One Whose Finger Will Be On the Button." Still, what is most relevant to evaluating how someone will perform his public duties in the future is how he has done so in the past.

Endnotes

1. Washington Post, October 26, 1987.
2. *The Prince*, tr. George Bull (New York, Penguin, 1981), ch. 16.
3. See, e.g., David Garrow, *Bearing the Cross* (New York: Vintage, 1986), esp. pp. 374-86.
4. There is also the possibility, which I have heard many people give voice to, that for men, at least, success in the political or public world is likely to be correlated with greater than normal sex drive and/or sexual attractiveness (the latter on the theory that women are attracted to powerful men). On this view successful male politicians would be subject to greater sexual temptation on average than others.
5. On the latter, see Richard Rorty's review of Victor Farias's *Heidegger et le Nazisme* in *The New Republic*, April 11, 1988. As Rorty puts it: "You can be a great, original, and profound artist or thinker, and also a complete bastard" (p.32).
6. February, 1988. Only Michael Dukakis did better (96%). Jesse Jackson and Paul Simon also got 94%; all other candidates, Democratic and Republican, did worse.
7. I am grateful to Deborah Rhode and Ferdinand Schoeman for making me aware of this literature. See Rhode, "Moral Character as a Professional Credential," *Yale Law Journal* 94 (1985), pp. 556-59 and *Moral Character: The Personal and the Political*, *Loyola University of Chicago Law Journal* 20, (1988), pp. 1-19; Walter Mischel, *Personality and Assessment* (New York: Wiley, 1968), pp. 23-26; H. Hartshorne and M.A. May, *Studies in the Nature of Character*, Vol. 1 (New York: Macmillan, 1928), Book 1, pp. 377-390, 407-12, Book 2, pp. 211-43; H. Hartshorne, M.A. May, and F. Shuttlesworth, *Studies in the Nature of Character* Vol. 3 (New York: Macmillan, 1930), pp. 153-212.
8. Ironically, if we were to add anyone else to this list, the top candidates would probably be the network news anchors. Certainly any untoward revelations about Walter Cronkite would have dealt a great blow to public trust; and I imagine that the current anchors would be more easily toppled by any such revelations (if not directly by public opinion then by their news organizations) than anyone else except the above-mentioned public officeholders.
9. The Barney Frank case suggests that even this characterization of the conflict concedes too much to the "moralists." Not only is Frank's behavior irrelevant to his public role, but it shows nothing wrong with his private morality either. What it shows is how powerful the need for sexual and emotional fulfillment is, and the enormous strains felt by those who, for whatever reasons, are prevented from experiencing such fulfillment. That in Frank's case the reasons have to do with the social unacceptability of homosexuality, especially among public officials and public figures, underlines the injustice to which he is now subject. For the public to force him from office is essentially to punish him twice; first by driving him to repression and an underground life, then by firing him for attempting to do only what most normal people wish to do—find a satisfying personal relationship.
10. For an exception and a blistering attack on press coverage see Hendrik Hertzberg, "Sluiceway," *The New Republic*, June 1, 1987.
11. Originally published in *Vanity Fair* and now available as a book, *Character: America's Search for Leadership* (New York: Morrow, 1988).
12. Glenn Loury was instrumental in the development of this point.